

AMENDED IN SENATE APRIL 28, 2011

SENATE BILL

No. 594

Introduced by Senator Wolk

February 17, 2011

An act to amend Sections 101150 and 101160 of, and to add Sections 101161 and 101162 to, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 594, as amended, Wolk. Local public health laboratories.

Existing law establishes the State Department of Public Health and sets forth its powers and duties relating to the prevention and control of disease; including, but not limited to, the duty to approve local public health laboratories.

This bill would recast those provisions to specify the duties of the local public health laboratories, to require the department to develop and administer written examinations for the certificate of public health microbiologist for public health laboratories, to require the department to adopt regulations related to certification and approval of training programs and continuing education requirements, and to define related terms. The bill would preclude the assessment of related fees for certificates or continuing education. By requiring that local agencies comply with these requirements, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 101150 of the Health and Safety Code
2 is amended to read:

3 101150. (a) For the purpose of protecting the community and
4 the public health, the local health department of a city or county
5 shall have available the services of a city or county public health
6 laboratory for the examination of specimens from suspected cases
7 of infectious and environmental diseases, that may include, but
8 need not be limited to, the examination of specimens from milk,
9 milk products, waters, food products, vectors, and the environment.

10 (b) The public health laboratory shall provide laboratory services
11 necessary for the ~~various examination of specimens from suspected~~
12 ~~cases of infectious and environmental diseases to support the~~
13 ~~communicable disease and environmental health~~ programs of the
14 local health department. *The public health laboratory may support*
15 *other programs of the local health department or other*
16 *departments.* The public health laboratory shall also provide the
17 analyses required to assist in community disease surveillance and
18 to meet the responsibilities and support the programs of the local
19 health department.

20 (c) In matters concerning the public's health, the public health
21 laboratory director shall be responsible to the local health officer
22 whose duty it is to enforce the law in accordance with Section
23 101030, 101375, 101460, or 101470. *This subdivision does not*
24 *preclude the local health department from requiring the public*
25 *health laboratory director to be administratively responsible to*
26 *other local health department personnel.*

27 (d) The public health laboratory shall provide consultation and
28 reference services to further the development of improved
29 laboratory procedures and practices related to the identification,
30 prevention, control, and surveillance of human disease in the
31 community.

32 (e) ~~A local health officer.~~ *After consulting with the health officer*
33 *and the public health laboratory director, a local health department*

1 may contract with any official city or county public health
2 laboratory or with the laboratories of the State Department of
3 Public Health to provide the services required by this chapter.

4 (f) The laboratories of the State Department of Public Health
5 are hereby designated as the public health laboratory for all local
6 health department jurisdictions that do not otherwise have access
7 to local public health laboratory service.

8 SEC. 2. Section 101160 of the Health and Safety Code is
9 amended to read:

10 101160. (a) Any city or county public health laboratory
11 established for the purposes set forth in this chapter and its
12 personnel shall be approved by the State Department of Public
13 Health and shall comply with the requirements of CLIA.

14 (b) For purposes of this article, the following terms have the
15 following meanings:

16 (1) “CLIA” means the federal Clinical Laboratory Improvement
17 Amendments of 1988 (42 U.S.C. Sec. 263a; ~~P.L.~~ *Public Law*
18 100-578) and the regulations adopted thereunder by the federal
19 Health Care Financing Administration and effective on January
20 1, 1994, or any later date, when adopted in California pursuant to
21 subdivision (b) of Section 1208 of the Business and Professions
22 Code.

23 (2) “Approved” or “approval” means certified by the State
24 Department of Public Health to be in compliance with state and
25 federal *statutory* or regulatory requirements pertaining to municipal
26 and county public health laboratories and public health laboratory
27 personnel.

28 (3) “Certificate” means a certificate of approval issued by the
29 State Department of Public Health to a city or county facility or
30 an individual after the department’s determination that the city or
31 county facility personnel, or training program qualifications, are
32 in conformity with the requirements of this article.

33 (4) “Public health laboratory” means a laboratory that is operated
34 by a city or county, *or pursuant to a joint exercise of powers*
35 *agreement entered into pursuant to the Joint Exercise of Powers*
36 *Act (Chapter 5 (commencing with Section 6500) of Division 7 of*
37 *Title 1 of the Government Code)*, in conformity with this article.

38 (5) “Public health laboratory director” means a person who
39 meets the CLIA requirements for laboratory director and who is

1 authorized to direct a public health laboratory certified under this
2 article.

3 (6) “Public health microbiologist” means a person who meets
4 the CLIA requirements for testing personnel in a high complexity
5 laboratory and who is authorized to perform high complexity tests
6 ~~limited to the specialties of microbiology and diagnostic~~
7 ~~immunology and waived and moderate complexity tests in any~~
8 ~~specialty or subspecialty laboratory tests or analyses~~ pursuant to
9 a certificate issued under this article.

10 (7) “Public health microbiologist-trainee” means a person
11 meeting the academic qualifications and approved by the State
12 Department of Public Health to train in an approved public health
13 laboratory leading to examination and certification as a public
14 health microbiologist under this article.

15 (8) ~~“Specialty” means histocompatibility, microbiology,~~
16 ~~diagnostic immunology, chemistry, hematology,~~
17 ~~immunohematology, pathology, genetics, or other specialty or~~
18 ~~subspecialty specified by regulation adopted by the State~~
19 ~~Department of Public Health.~~

20 (9) “Subspecialty” means any of the following:

21 (A) ~~For purposes of microbiology, it means bacteriology,~~
22 ~~mycobacteriology, mycology, parasitology, virology, molecular~~
23 ~~biology, and serology for diagnosis of infectious diseases, or other~~
24 ~~subspecialty specified by regulation adopted by the State~~
25 ~~Department of Public Health.~~

26 (B) ~~For purposes of diagnostic immunology, it means syphilis~~
27 ~~serology, general immunology, or other subspecialty specified by~~
28 ~~regulation adopted by the State Department of Public Health.~~

29 (C) ~~For purposes of chemistry, it means routine chemistry,~~
30 ~~clinical microscopy, endocrinology, toxicology, or other~~
31 ~~subspecialty specified by regulation adopted by the State~~
32 ~~Department of Public Health.~~

33 (D) ~~For purposes of immunohematology, it means ABO / Rh~~
34 ~~Type and Group, antibody detection for transfusion, antibody~~
35 ~~detection nontransfusion, antibody identification, compatibility,~~
36 ~~or other subspecialty specified by regulation adopted by the State~~
37 ~~Department of Public Health.~~

38 (E) ~~For purposes of pathology, it means tissue pathology, oral~~
39 ~~pathology, diagnostic cytology, or other subspecialty specified by~~
40 ~~regulation adopted by the State Department of Public Health.~~

1 ~~(F) For purposes of genetics, it means molecular biology related~~
2 ~~to the diagnosis of human genetic abnormalities, cytogenetics, or~~
3 ~~other subspecialty specified by regulation adopted by the State~~
4 ~~Department of Public Health.~~

5 SEC. 3. Section 101161 is added to the Health and Safety Code,
6 to read:

7 101161. The State Department of Public Health shall develop
8 and administer the written examinations for the certificate of public
9 health microbiologist for public health laboratories. The
10 examination shall be developed in consultation with the California
11 Association of Public Health Laboratory Directors. The
12 examination shall be held as needed and where designated by the
13 State Department of Public Health. There shall be no fee levied
14 upon individuals for the examinations.

15 SEC. 4. Section 101162 is added to the Health and Safety Code,
16 to read:

17 101162. (a) The State Department of Public Health, by January
18 1, 2013, shall adopt regulations, in consultation with the California
19 Association of Public Health Laboratory Directors, to do all of the
20 following:

21 (1) Establish minimum requirements for training laboratories
22 that train public health microbiologist-trainees, and require that
23 training laboratories that accept those personnel for the purposes
24 of this article be approved and certified by the State Department
25 of Public Health.

26 (2) Initiate, administer, and monitor a program of continuing
27 education for public health microbiologists certified pursuant to
28 this article.

29 (3) Require a maximum of 12 hours of continuing education
30 completed within a 12-month period, or 24 hours of continuing
31 education completed within a 24-month period, as a condition for
32 renewal of a certificate issued under this article.

33 (b) Fees shall not be levied upon county or municipal public
34 health laboratories or public health laboratory personnel for
35 approval or renewal of any certificates or maintaining the
36 continuing education program pursuant to this article.

37 SEC. 5. If the Commission on State Mandates determines that
38 this act contains costs mandated by the state, reimbursement to
39 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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